



City of Seattle

Greg Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2206487
Applicant Name: Guenter Mannhalt
Address of Proposal: 4421 47th Av S

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a retaining wall and concrete sports court of approximately 1700 Sq. ft. (already built) accessory to an existing single family residence in an environmentally critical area.

The following approval is required:

SEPA – Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading,
 or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site and Area Description

This approximately 14,400 square foot rectangular has a single family residence on the north end of the site. A significant portion of the lot is characterized by slopes of 40% or better and designated as an Environmentally Critical Area due to steep slopes. The larger vicinity is zoned SF 5000 and developed with single family residences. The two lots immediately to the south have recently been developed with single family residences. The right-of-way for S Oregon Street at the south end of the block does not conjoin S. 46th with S. 47th Streets and remains unimproved due to the steep downward slope from west to east that characterizes the area. The lot was developed with a concrete slab “sports court,” partially surrounded by retaining walls and fences, without benefit of permit, in 1996.

Proposal Description

The proposal has involved the construction of 8-inch thick reinforced concrete retaining walls varying in height from 3 to 5 feet to the west and south and partially enclosing a 4-inch thick concrete slab and grassy area which constitutes a "sports court" of approximately 1700 square feet. These on-site elements are already built. The project included grading for cut and fill of an indeterminate quantity of soil. Portions of the retaining walls are constructed in the steep slope critical area; the sports court is not. All except the most easterly portion of the retaining wall is outside of any required yard.

Public Comments

The initial public comment period for the proposed project ended on April 2, 2003, and no comment letters were received.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated December 13, 2002, and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision. Review is limited to issues pertinent to ECA impacts and mitigation.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion and 2) increased vibration from construction operations and equipment (for installing approximately 100 lineal feet of new drain pipe and sump. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general) and 2) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. However, the proposal site is located in environmentally critical areas. Therefore, additional discussion of earth impacts is warranted.

Earth / Soils

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering report—“Geotechnical Evaluation—Foundation Recommendations—As-built Inspection, Mannhalt ‘Play Area,’ 4421 47th Ave.S., Seattle, Washington,” prepared by Dennis M. Bruce, P.E. and dated October 16, 2002. This report concluded that the play area and existing retaining walls were geotechnically stable and geotechnically approved as built. The report and associated addenda have been reviewed by DPD’s geotechnical experts, who have concluded that the as-built construction may proceed without undue risk to the property or to adjacent properties.

In addition, DPD has reviewed and approved the structural engineering calculations for the retaining walls as contained in submitted project plans and supporting documentation supplied by R. J. N. & Associates. DPD has required that three existing drains within the sports court be abandoned and that a new trench drain be conveyed to a 24-inch sump and from thence to the existing catch basin at 4421 47th Ave. S, from where it is then tight-lined to discharge in the existing public sewer in 47th Ave. S.

An Environmentally Critical Area Covenant signed by the owner of the property requires that the owner maintain a pump system at the sump and provide sufficient backup power systems so that the pump system is operational during possible power outages, unless future systems are constructed that convey collected stormwater to the public sewer by gravity flow. With these requirements the proposal complies with the Stormwater, Grading and Drainage Control Code. No additional conditioning is warranted pursuant to SEPA policies.

Other Short-term Impacts

The other short-term impacts not noted here as mitigated by codes, ordinances, or conditions (e.g., additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include increased surface water runoff from impervious surfaces. This long-term impact is not considered significant because the impacts of drainage from the sports court area will be directed through required modifications in the drainage from the site to the 12-inch PSS drain within 47th Avenue S. As a permanent condition of the Environmental Critical Area and Geologic Hazard Covenant, the owner is required to maintain a pump in operational manner and to provide sufficient backup power systems so as to be operational during power outage periods to convey collected stormwater to the public sewer.

Other long-term impacts are typical of single-family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface).

The other impacts not noted here as mitigated by codes or conditions are not sufficiently adverse to warrant further mitigation by condition.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

Signature: _____ (signature on file) Date: June 3, 2004

Michael Dorcy, Land Use Planner
Land Use Services
Department of Planning and Development